

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CAUSE NO. 3:66-CV-1373-CWR-FKB

**KEMPER COUNTY BOARD OF
EDUCATION**

DEFENDANT

ORDER

Before the Court is Kemper County Board of Education's Motion to Restructure/Reconfigure Two Elementary Schools. The matter is fully briefed and ready for adjudication.

Kemper County School District has two elementary schools: East Kemper Elementary School and West Kemper Elementary School. As of February 2020, East Kemper Elementary School had an enrollment of approximately 160 students, and West Kemper Elementary School had an enrollment of approximately 327 students.

The Board now requests permission to rename and reconfigure its elementary schools. Under its proposal, East Kemper Elementary would be renamed as Kemper County Lower Elementary School and enroll students in Pre-K through 3rd grade. The Lower Elementary School would have approximately 260 students. West Kemper Elementary would be renamed Kemper County Upper Elementary School and enroll Pre-K students as well as students in 4th through 6th grade. The Upper Elementary School would have approximately 211 students.

The Board asserts that these changes will "more evenly spread the children out over the two elementary schools in order to be more efficient" and that the new system "will give students a more consistent and centralized focus on educational instructions and delivery for Pre-K through 6th grade students." Docket No. 17 at 2.

In its response, the United States explains that it does not oppose Kemper County's motion. The United States says that the Board's proposal to create a "single-school feeder pattern comports with its desegregation obligations" and "resembles the type of remedial pairing courts routinely rely on to further desegregation." Docket No. 19 at 3 (citing *Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1, 28 (1971) for the proposition "that the pairing and grouping of noncontiguous school zones is a permissible tool and such action is to be considered in light of the objectives" of desegregation.).

Therefore, the Kemper County Board of Education's Motion to Restructure/Reconfigure Two Elementary Schools is granted.

SO ORDERED, this the 10th day of August, 2020.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE